

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 56159-5030-01

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

PRIOR APPLICATION:      Examiner: J. Snay  
   Art Unit: 1743

Sir:

**TRANSMITTAL OF FILING UNDER 37 C.F.R. § 1.60**

This is a request for filing a

[ X ] Continuation      [ ] Divisional

application under 37 C.F.R. § 1.60, of pending prior application, application  
no. 08/801,212, filed on February 18, 1997  
of : CATT ET AL  
for: MONITORING METHODS

1. Copy of Prior Application as Filed Which is Attached

[ X ] I hereby verify that the attached papers are a true copy of the above-identified  
prior application, including the oath or declaration, as originally filed (37 C.F.R.  
§ 1.60).

The copy of the papers of the prior application as filed which are attached are as follows:

23      pages of specification, including  
         9      pages of claims  
         1      page of abstract  
0      sheets of drawings  
2      pages of declaration and power of attorney

## 2. Amendments

- ☐ Cancel in this application original claims \_\_\_\_ of the prior application before calculating the filing fee. **[At least one original claim must be retained for filing purposes.]**
- ☐ A preliminary amendment is enclosed (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

## 3. PTO-1449 is submitted herewith.

## 4. Priority - 35 U.S.C. § 119

- ☐ The certified copy is enclosed.
- ☒ Priority of Application No. 96307090.9 filed on September 27, 1996 in Europe is claimed under 35 U.S.C. § 119.
- ☒ The certified copies have been filed in prior U.S. Application No. 08/801,212 on February 18, 1997.
- ☐ The certified copy will follow.

## 5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:

“This is a ☒ continuation ☐ divisional  
of copending application

☒ Application Number 08/801,212 filed on February 18, 1997.

☐ International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and which  
designated the U.S.”

**[Reference must be made to each application in the chain of applications  
being relied on, including the parent application and any application(s) from  
which it depends.]**

## 6. Inventorship Statement

- a. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor in this application is:
- ☒ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

b. The inventorship for all the claims in this application are

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

7. Assignment

☒ The prior application is assigned of record to Inverness Medical Switzerland GmbH, recorded (unknown) at Reel/Frame (unknown).

☐ An assignment of the invention to \_\_\_\_\_ is attached.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

## 8. Fee Calculation - 37 C.F.R. § 1.16

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee \$740
Total Claims (37 CFR § 1.16(c))	9 - 20 =	0	\$18.00 each =	+ \$ 0
Independent Claims (37 CFR § 1.16(b))	4- 3 =	1	\$ 84.00 each =	+ \$ 84
Multiple dependent claim(s), if any (37 CFR § 1.16(d))			\$280.00	+ \$ 0
SUB-TOTAL =				\$824
Reduction by ½ for filing by a small entity				- \$
TOTAL FILING FEE =				\$824

☐ Fee for extra claims is not being paid at this time. (37 CFR § 1.16(d)).

## 9. Small Entity Status

☐ A verified statement claiming small entity status  
☐ is enclosed or ☐ is on file in the prior application and such status is still  
proper and desired (37 C.F.R. § 1.28(a))

## 10. Fee Payment

☐ Not Enclosed.

**NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT  
AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(d).  
Applicant(s) await notification from the Patent and Trademark Office of the time  
set for filing the Declaration and paying the filing fees.

## 11. Fee Payment (Continued)

☒ **DEPOSIT ACCOUNT NO. 50-0310.**

<input checked="" type="checkbox"/>	basic filing fee of	<b>\$824.00</b>
<input type="checkbox"/>	assignment recording fee of	\$
<input type="checkbox"/>	processing and retention fee of	\$

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby  
authorized by this paper to charge any additional fees during the entire pendency

of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

12. ☒ The power of attorney in the prior application is to at least one of the following:

Paul N. Kokulis – Reg. No. 16,773

- ☒ The power appears in the original declaration of the prior application.

- ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

13. ☒ Please address all correspondence to:

**Morgan, Lewis & Bockius LLP**  
**1111 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004**

14. ☐ Recognize as associate attorney \_\_\_\_\_.  
(name, address, and registration no.)

15. Maintenance of Copendency of Prior Application

- ☐ A petition and fee has been filed to extend the term in the pending prior application until \_\_\_\_\_.

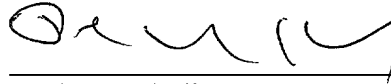
- ☐ A copy of the petition for extension of time in the prior application is attached.

16. [ ] PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. \_\_\_\_\_, filed \_\_\_\_\_, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



Paul N. Kokulis

Reg. No. 16,773

Dated: March 8, 2002

**CUSTOMER NO. 09629**

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

202-739-3000

Direct: 202-739-5455